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Arthur Ernest Conrad

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EXAMINER

BOVEJA, NAMRATA

ART UNIT

PAPER NUMBER

3622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/903,976	<b>Applicant(s)</b> CONRAD ET AL.	
	<b>Examiner</b> PINKY BOVEJA	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is in response to communication filed on 10/27/2008.
2. Claims 1-44 are presented for examination.
3. Prosecution is reopened on claims 1-44 for the reasons set forth in the office action below.

#### **Claim Rejections - 35 USC § 112**

4. *The following is a quotation of the first paragraph of 35 U.S.C. 112:*

*The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.*

*Claims 1-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the limitation "only if," constitutes new matter, as this claim limitation is not supported by the specification. The Examiner reviewed the Applicant specification in detail and found that on page 4 paragraph 12, the Applicant states, "if the user event does not occur within a specified time period, the attract loop code automatically transmits a request for attract loop content to the central computer." However, this does not state "only if" a user event does not occur is a request automatically transmitted. In fact, a keyword search of the specification demonstrated that there is no mention of the word only in the Applicant's specification. Appropriate correction is required.*

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 6, 8-12, 14, 16, 18-24, 26, 28, 30-34, 36, 38, and 40-44 are rejected under U.S.C. 103(a) as being unpatentable over Gerszberg et al. Patent Number 6,084,583 (hereinafter Gerszberg) in view of Cho et al. Patent Number 6,834,048 (hereinafter Cho).

In reference to claims 1, 11, 21, 22, 23, 33, 43, and 44, all of the independent claims have substantially the same limitations, and Gerszberg discloses a method and system for displaying a web content on a display of a user computer, said system comprising: a central computer (col. 6 lines 36-48 and Fig. 4A); software executing on said central computer for receiving a request to transmit a web page (Gerszberg describes receiving a request to transmit content to a phone (col. 9 lines 8-11); Cho describes using a web page for phone service and VOIP (col. 2 lines 33-61)), software executing on said central computer for transmitting a web page to the user computer in response to the request to transmit a web page, (col. 8 lines 26-29) the web page comprising attract loop code, wherein the attract loop code monitors the user computer for a user event, and only if the user event does not occur within a specified time period, the attract loop code automatically transmits a request for attract loop

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content to said central computer (col. 8 lines 43-65 and Fig. 6) software executing on said central computer for automatically transmitting attract loop content to the user computer in response to the request for attract loop content; and (col. 8 lines 43-65 and Fig. 6) wherein the attract loop code causes the attract loop content to be displayed on the display of the user computer (col. 8 lines 43-65 and Fig. 6).

Basically, Gerszberg describes all of the limitations of claim 1, and in particular, a screen saver, including the details of the programming logic that both monitors for activity and displays content only if such activity is not provided within a specific period of time (col. 8 lines 43-65 and Fig. 6) and having the client call for screen saver content from the server (col. 9 lines 8-11), except for the transmission of a web page.

Gerszberg's transmission may be internet content, which would suggest web content. Cho demonstrates that Gerszberg's videophone may be a computer using VOIP with web pages. Thus, Gerszberg's screensaver on Cho's VOIP videophone would use web pages for its downloaded content to be compatible with Cho's web pages. It would have been obvious to a person of ordinary skill in the art to have applied Gerszberg's videophone within Cho's VOIP context because of Cho's taught application to phone service.

6. In reference to claims 2, 12, 24, and 34, Gerszberg discloses the method and system wherein the attract loop code, while the attract loop content is being displayed on the display of the user computer, monitors the user computer for a user event, and, upon the occurrence of the user event, automatically causes the display of the attract loop content to be terminated (col. 8 lines 39-42, col. 9 lines 21-24 and 40-42).

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7. In reference to claims 4, 14, 26, and 36, Gerszberg discloses the method wherein the attract loop content is displayed in a browser window (i.e. a program that accesses and displays files and other data available on the Internet and other networks) (col. 5 lines 51-60, col. 6 lines 20-35, col. 8 lines 43 to col. 9 lines 57).

8. In reference to claims 6, 16, 28, and 38, Gerszberg discloses the method wherein the wherein the attract loop content is displayed in a browser window which was automatically opened by the attract loop code (col. 8 lines 43-65 and Fig. 6).

9. In reference to claims 8, 18, 30, and 40, Gerszberg discloses the method wherein the user event is selected from the group consisting of manipulation of an input device, movement of a mouse, typing on a keyboard, access of a storage device, and combinations of these col. 8 lines 33-39).

10. In reference to claims 9, 19, 31, and 41, Gerszberg discloses the method wherein the attract loop content comprises media selected from the group consisting of text, graphics, animation, sound, video, multimedia, and combinations of these (col. 6 lines 20-35, col. 8 lines 51-57, and Figures 3A and 8).

11. In reference to claims 10, 20, 32, and 42, Gerszberg discloses the method wherein the attract loop content relates to subject matter selected from the group consisting of advertisement, entertainment, education, and combinations of these (col. 8 lines 51-65 and Figure 8).

12. Claims 3, 5, 13, 15, 25, 27, 35, and 37 are rejected under U.S.C. 103(a) as being unpatentable over Gerszberg in view of Cho and further in view of Park et al (6,295,061 hereinafter Park).

In reference to claims 3, 13, 25, and 35, Gerszberg does not disclose the method wherein the central computer comprises a web server. Park discloses the method wherein the central computer comprises a web server (i.e. a server that serves web sites to the client computer) (col. 5 lines 26-58, col. 6 lines 25-27, col. 8 lines 20-24, and Figures 5 and 6). It would have been obvious to modify Gerszberg to include the method wherein the central computer comprises a web server to enable the transmission of an entire webpage instead of a specific advertisement to be used as a screen saver, since video phones and PDA devices are capable of displaying web pages similar to computers.

13. In reference to claims 5, 15, 27, and 37, Gerszberg does not specifically disclose the method wherein the attract loop content is displayed in a browser window in full screen mode. Park inherently discloses the method wherein the attract loop content is displayed in a browser window in full screen mode (since, the option to display a browser window in full screen mode is automatically presented as a feature of the browser itself, for example in Internet Explorer, under the View menu on the toolbar, there is an option to display a full screen mode, and Park teaches the invention using the Internet Explorer web browser, and therefore the full screen mode option is positively present in Park's disclosed invention) (col. 5 lines 49-58, col. 7 lines 12-13 and 49-57, col. 8 lines 20-24, col. 9 lines 18-19 and 35-37, col. 10 lines 24-26, col. 11 lines 29-31, and Figures 6-15). It would have been obvious to modify Gerszberg to include the method wherein the attract loop content is displayed in a browser window in

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full screen mode to enable the user to view content in a larger text/image size on the full length of the screen.

14. Claims 7, 17, 29, and 39 are rejected under U.S.C. 103(a) as being unpatentable over Gerszberg in view of Cho and further in view of the article titled "An Internet newcomer is making money by selling moving ads as part of screen savers" written by David Barboza for the New York Times on October 1, 1996 on page D.7 (hereinafter Barboza).

In reference to claims 7, 17, 29, and 39 Gerszberg teaches the method wherein the attract loop code is received and displayed (col. 8 lines 43-65 and Fig. 6).

Gerszberg is silent about teaching the method that automatically causes the attract loop content to be continually updated. Barboza teaches the method that automatically causes the attract loop content to be continually updated (page 1 lines 1-4 and 7-9, page 2 lines 15-17, 26-28, and 31-33). It would have been obvious to modify Gerszberg to include the method that automatically causes the attract loop content to be continually updated to gain access to up to date advertising content to be presented to the users. Further, it would make sense to have continually updated content, since users would not want to see the same advertisements over and over again, and repeated advertisements will also not benefit the advertiser as the viewers will no longer be interested in viewing the repeated advertisements.

15. Claims 1, 2, 4, 6, 8-12, 14, 16, 18-24, 26, 28, 30-34, 36, 38, and 40-44 are rejected under U.S.C. 103(a) as being unpatentable over Gerszberg et al. Patent Number 6,084,583 (hereinafter Gerszberg) in view of *the article titled, "Tiny pager gives*



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*big picture; Innovation,” written by Max Glaskin in The Times on September 24, 1995 on page 1 (hereinafter Glaskin).*

In reference to claims 1, 11, 21, 22, 23, 33, 43, and 44, all of the independent claims have substantially the same limitations, and Gerszberg discloses a method and system for displaying a web content on a display of a user computer, said system comprising: a central computer (col. 6 lines 36-48 and Fig. 4A); software executing on said central computer for receiving a request to transmit content to a phone (col. 9 lines 8-11), software executing on said central computer for transmitting a web page to the user computer in response to the request to transmit a web page, (col. 8 lines 26-29) the web page comprising attract loop code, wherein the attract loop code monitors the user computer for a user event, and only if the user event does not occur within a specified time period, the attract loop code automatically transmits a request for attract loop content to said central computer (col. 8 lines 43-65 and Fig. 6) software executing on said central computer for automatically transmitting attract loop content to the user computer in response to the request for attract loop content; and (col. 8 lines 43-65 and Fig. 6) wherein the attract loop code causes the attract loop content to be displayed on the display of the user computer (col. 8 lines 43-65 and Fig. 6).

Basically, Gerszberg describes all of the limitations of claim 1, and in particular, a screen saver, including the details of the programming logic that both monitors for activity and displays content only if such activity is not provided within a specific period of time (col. 8 lines 43-65 and Fig. 6) and having the client call for screen saver content from the server (col. 9 lines 8-11), except for the transmission of a web page.

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*Furthermore, Gerszberg's transmission may be internet content, which would suggest web content. Glaskin teaches transmission of a web page to a communications message device including a videophone, since it teaches browsing World Wide Web page from the Internet (page 1 paragraphs 1-3 and 5). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Gerzberg to include transmission of a web page, to enable the user to view detailed and updated information that can be provided on a web page about an advertiser's product or company to enhance the user experience with the advertisements and to make it more attractive for advertisers to advertise with the advertisement provider.*

16. In reference to claims 2, 12, 24, and 34, Gerszberg discloses the method and system wherein the attract loop code, while the attract loop content is being displayed on the display of the user computer, monitors the user computer for a user event, and, upon the occurrence of the user event, automatically causes the display of the attract loop content to be terminated (col. 8 lines 39-42, col. 9 lines 21-24 and 40-42).

17. In reference to claims 4, 14, 26, and 36, Gerszberg discloses the method wherein the attract loop content is displayed in a browser window (i.e. a program that accesses and displays files and other data available on the Internet and other networks) (col. 5 lines 51-60, col. 6 lines 20-35, col. 8 lines 43 to col. 9 lines 57).

18. In reference to claims 6, 16, 28, and 38, Gerszberg discloses the method wherein the wherein the attract loop content is displayed in a browser window which was automatically opened by the attract loop code (col. 8 lines 43-65 and Fig. 6).

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19. In reference to claims 8, 18, 30, and 40, Gerszberg discloses the method wherein the user event is selected from the group consisting of manipulation of an input device, movement of a mouse, typing on a keyboard, access of a storage device, and combinations of these (col. 8 lines 33-39).

20. In reference to claims 9, 19, 31, and 41, Gerszberg discloses the method wherein the attract loop content comprises media selected from the group consisting of text, graphics, animation, sound, video, multimedia, and combinations of these (col. 6 lines 20-35, col. 8 lines 51-57, and Figures 3A and 8).

21. In reference to claims 10, 20, 32, and 42, Gerszberg discloses the method wherein the attract loop content relates to subject matter selected from the group consisting of advertisement, entertainment, education, and combinations of these (col. 8 lines 51-65 and Figure 8).

22. Claims 3, 5, 13, 15, 25, 27, 35, and 37 are rejected under U.S.C. 103(a) as being unpatentable over Gerszberg in view of *Glaskin* and further in view of Park et al (6,295,061 hereinafter Park).

In reference to claims 3, 13, 25, and 35, Gerszberg does not disclose the method wherein the central computer comprises a web server. Park discloses the method wherein the central computer comprises a web server (i.e. a server that serves web sites to the client computer) (col. 5 lines 26-58, col. 6 lines 25-27, col. 8 lines 20-24, and Figures 5 and 6). It would have been obvious to modify Gerszberg to include the method wherein the central computer comprises a web server to enable the transmission of an entire webpage instead of a specific advertisement to be used as a

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23. In reference to claims 5, 15, 27, and 37, Gerszberg does not specifically disclose the method wherein the attract loop content is displayed in a browser window in full screen mode. Park inherently discloses the method wherein the attract loop content is displayed in a browser window in full screen mode (since, the option to display a browser window in full screen mode is automatically presented as a feature of the browser itself, for example in Internet Explorer, under the View menu on the toolbar, there is an option to display a full screen mode, and Park teaches the invention using the Internet Explorer web browser, and therefore the full screen mode option is positively present in Park's disclosed invention) (col. 5 lines 49-58, col. 7 lines 12-13 and 49-57, col. 8 lines 20-24, col. 9 lines 18-19 and 35-37, col. 10 lines 24-26, col. 11 lines 29-31, and Figures 6-15). It would have been obvious to modify Gerszberg to include the method wherein the attract loop content is displayed in a browser window in full screen mode to enable the user to view content in a larger text/image size on the full length of the screen.

24. Claims 7, 17, 29, and 39 are rejected under U.S.C. 103(a) as being unpatentable over Gerszberg in view of *Glaskin* and further in view of the article titled "An Internet newcomer is making money by selling moving ads as part of screen savers" written by David Barboza for the New York Times on October 1, 1996 on page D.7 (hereinafter Barboza).

In reference to claims 7, 17, 29, and 39 Gerszberg teaches the method wherein the attract loop code is received and displayed (col. 8 lines 43-65 and Fig. 6).

Gerszberg is silent about teaching the method that automatically causes the attract loop content to be continually updated. Barboza teaches the method that automatically causes the attract loop content to be continually updated (page 1 lines 1-4 and 7-9, page 2 lines 15-17, 26-28, and 31-33). It would have been obvious to modify Gerszberg to include the method that automatically causes the attract loop content to be continually updated to gain access to up to date advertising content to be presented to the users. Further, it would make sense to have continually updated content, since users would not want to see the same advertisements over and over again, and repeated advertisements will also not benefit the advertiser as the viewers will no longer be interested in viewing the repeated advertisements.

### **Response to Arguments**

25. After careful review of Applicant's remarks/arguments filed on 10/27/2008, the Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.

26. Further in depth review of the Applicant's specification and the provisional application necessitated the introduction of a new 35 U.S.C. 112 1<sup>st</sup> paragraph rejection for new matter for the limitation involving the use of the "only if" terminology that is unsupported by both the present application and the provisional application.

27. In reference to the Applicant's argument that the provisional application number 60/217,800 filed on July 12, 2000 overcomes the effective date of the Cho et al.

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reference of September 22, 2000, the Examiner respectfully disagrees with the Applicant.

First, the cited portions of the provisional by the Applicant, and in fact the entire 1 page provisional, do not recite the "only if" terminology in the Applicant's independent claims of the present Application. There is no specific recitation of "only if" limitation in the provisional application. And, the Applicant has failed to identify a specific recitation in the provisional application.

Secondly, even if the Applicant provides support for monitoring a period of "no activity" in claim 1 of the provisional, this still does not provide the support for the limitation that the attract loop code automatically transmits a request for attract loop content to said central computer only if the user event does not occur within a specified time period. Just because a screen saver comes on when there is no activity does not mean that it only comes when there is no activity. It could also come on for another reason in addition to a reason of no activity.

Thirdly, Applicant argues that the term, "idle period," has to mean a period of inactivity to someone who is skilled in the art. The Examiner respectfully disagrees with this assertion, because while one definition of the word idle is inactive, another definition of the word per [www.dictionary.com](http://www.dictionary.com) is slow. So, idle does not just mean only if there is no activity, and the **Applicant did not make use of the "only if" terminology in the provisional application.** The Examiner is giving the broadest reasonable interpretation to the term "idle period," since idle can mean slow in a computing environment. For example, prior art in the computing environment can be

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found where if it takes a long time to download something from the Internet, advertisements from a user's hard drive can be shown to the user during such periods of slowness/idle time to make effective use of the user's time. So, such a definition of idle period is not simply limited to applications involving motors and motor vehicles as asserted by the Applicant.

Fourthly, the Applicant's argument that "if the provisional patent application supports a system that monitors for a period of no activity and/or a period of slow activity, and Claim 1 of the present application requires monitoring for a period of no activity, such must be supported," is clearly without any merit. This is because in that case, the Applicant needs to only find a system that monitors for a period of no activity OR a system that monitors for a period of slow activity, and not both and not specifically the first type of system as asserted by the Applicant. Regardless, there is still no support for the "only if" limitation in the provisional application. Therefore, the original rejection in view of Cho et al. is maintained. However, for the sake of argument, the Examiner has made an additional alternative rejection in view of the Glaskin reference.

**Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **Central**

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**Fax Number** for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Examiner, Art Unit 3622